

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

United States of America

v.

Criminal No. 3:08-cr-297-PJB

Anibal Acevedo Vila, et al.

O R D E R

Defendant Anibal Acevedo Vila appeals from Magistrate Judge Kravchuk's ruling denying Acevedo Vila's request for the discovery of grand jury materials pursuant to Fed. R. Crim. P. 6(e)(3)(E)(ii).

I affirm the Magistrate Judge's order because she correctly resolved the issue that was before her. The record does not in any way support the defendant's charge that the prosecutors either improperly withheld critical witness testimony from the grand jury or improperly instructed the grand jury on the elements of the wire fraud and conspiracy charges. Accordingly, the defendant has failed to show that "a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury."

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge
District of New Hampshire
Sitting by Designation

January 9, 2009

cc: Counsel of Record